

**Public Comment: NOSB Meeting May 6, 2002
Austin, Texas**

Emily Brown Rosen
Organic Materials Review Institute
Box 11558, Eugene Oregon 97440

OMRI would like to welcome the new members of the NOSB to the board, and looks forward to working with NOSB collaboratively in the future. For those of you unfamiliar with our work, OMRI is a nonprofit organization, originally set up by a number of certification agencies to provide technical services to review generic and brand name materials used in organic production and processing.

Inert Ingredients

We are aware that the NOSB is concerned about the pace and progress being made with compliance with the NOP rule regarding inert ingredients in pesticides. This requires all inert ingredients used in pesticides to fall under EPA's classification of List 4, Inerts of Minimal Concern and was based on the NOSB recommendation of February 1999. OMRI is pleased to report that we are seeing a number of products reformulated to comply.

Two years ago, over half the OMRI listed pesticide product (32 out of 65 total) contained List 3 inert ingredients (inerts of unknown toxicity). Last year we started a discussion with EPA and in July sent a report of non-compliant List 3 inert ingredients that were contained in 55 products approved for organic production. OMRI has just published a revised *Brand Name Products List*, which now contains 82 pesticide products that are compliant with the NOP rule. Another 25 pesticides have been removed because they contain List 3 inerts (23 % of the total number of products). So we are making progress in the total number of pesticide products available, and the percentage with problem inert ingredients is declining. With the implementation of the NOP rule, however we have not seen any new registered pesticides though we have had an increase in pesticides that are exempt from EPA registration.

Based on our continuing dialog with EPA's Office of Pesticide Programs, we are encouraged by their commitment to reclassify a significant number of List 3 inert ingredients used in formulations by August 2002. We believe that a majority of the 25 redacted products from our prior listing will then qualify for organic use. While some products formerly allowed still will not comply, our database shows that organic farmers will still have access to a NOP-compliant formulation for all the allowed active ingredients. This includes copper, sulfur, biological, and botanical active ingredients. The NOSB and NOP should do all that it can to encourage EPA in this action to reclassify List 3 inerts, and also to continue to encourage manufacturers to reformulate.

In addition, another option is for manufacturers to petition to have their inert ingredients considered for addition to the National List. OMRI urges the NOSB to consider these

fairly and equitably, on a case-by-case basis, and allowed only after they have been subject to the disclosure requirements, TAP review according to the OFPA criteria, recommendation by the NOSB and public comment required by OFPA.

The Compost Task Force Recommendation

OMRI supports the intent and the spirit of the recommendations. There are specific items that need to be adjusted, and OMRI believes that these guidelines can be made simpler and clearer not just for OMRI, but also for farmers and certifiers who need to meet and verify compliance especially for compost produced on-farm. This should be done without compromising the stated intent.

OMRI requests that the NOP use the Task Force recommendation to send out a memo to certifiers and their contractors. It is our understanding that while the rule simply states an example of what can be allowed, the NOSB recommendation and subsequent NOP policy will provide additional examples of methods that comply, and provide instruction how certifiers are to verify and document compliance. There are so many different composting situations that the standards need to be flexible, and cannot be all-inclusive.

There are also issues and questions not addressed. OMRI wants to work with the NOSB and NOP to develop clear, practical guidelines for implementation of 7 CFR 203(c), and is particularly concerned with a growing number of reported contamination incidents that involve prohibited substances, such as with the persistent herbicide clopyralid.

OMRI is pleased to see that the Task Force recognizes processed manure as a category separate from compost, raw manure, and manure ash. OMRI believes that 'freezing' should be deleted as a process, and suggests that the NOSB recommend that the NOP's definition do the same. Also, OMRI suggests that research be done to set a maximum temperature for this generic category, and where it becomes 'manure ash' prohibited at 7 CFR 205.602(a).

Livestock Feed Additives

OMRI would like to thank the Livestock committee and former NOP staff member Mark Keating for the detailed proposal they have made regarding livestock feed additives. This policy helps answer many specific questions for certifiers and others who are reviewing feed and feed ingredients. We are in support of the clarification on carriers and incidental additives and appreciate the clarification on slaughter by-products, enzymes, and preservatives. However, we would like a further clarification in the case of incidental additives, as the NOSB recommends, "the NOP **not** establish requirements for substances used as incidental additives in livestock feed ingredients." Does this mean that for a feed ingredient, such as a particular vitamin, incidentals like preservatives, agriculturally derived materials like starch that could be from genetically engineered source, or from a slaughter by product like tallow? These will not be on the label of the formulated feed product, and are generally difficult to identify.

Once again, we would also like to see a NOP official acknowledgement of this feed policy, as it will directly affect certification decisions. As we have noted in written

comments, that while the categorical allowance of almost all forms vitamins and minerals allowed in conventional feed by FDA and AAFCO will accommodate organic producers in the short term, this broad interpretation also allows some materials that may conflict with OFPA regarding synthetic forms of nitrogen or sulfites. Certainly such mineral nutrients provided from synthetic sources, such as mono and di-ammonium phosphate, sulfuric acid, ammonium sulfate have many natural and organic alternative sources—including natural and organic sources, and have not been generally allowed in the past by certifiers. Therefore we agree also with the draft recommendation statement that supports the need for a comprehensive review of vitamins and minerals and expressed preference for natural forms when available.

OMRI has updated our Generic List to be fully compliant with the NOP rule, and re-evaluated all the Brand Name Products on our list for compliance. We are pleased to be able to provide the Board members and NOP staff with these new publications for your reference. Note that we have included in the back a list of all approved materials that NOSB has recommended, but still have not been subject to Federal Register process. We also have provided a detailed list of the 21CFR and AAFCO approved livestock vitamin and mineral sources with indication of natural forms and forms cross-listed in 205.605.